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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 MONRELL D. MURPHY,

12 Plaintiff,

13 v.

14 S. KERN, et al.,

15 Defendants.
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Case No. 2:18-cv-10150-FLA (ADSx)

**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE
REGARDING PARTIAL MOTION FOR
SUMMARY JUDGMENT [132]**

17 Pursuant to 28 U.S.C. § 636, the court has reviewed the Partial Motion for
18 Summary Judgment [Dkt. No. 132] and all applicable pleadings herein, including the
19 Report and Recommendation (“R&R”) dated December 21, 2020 [Dkt. No. 174],
20 Plaintiff’s Objections to the R&R (“Objections”), [Dkt. No. 177], Defendants’ Reply [Dkt.
21 No. 180], and all related documents.

22 Nothing in the Objections refutes the Magistrate Judge’s findings that multiple
23 claims must be dismissed in part or in whole due to Plaintiff’s failure to exhaust
24 administrative remedies. See generally [Dkt. No. 174]. Plaintiff’s Objections fail to

1 refute the finding that there is no genuine dispute whether Plaintiff properly exhausted
2 administrative remedies with regards to multiple claims. Accordingly, Plaintiff's
3 objections are overruled.

4 As such, after thorough analysis and consideration of the applicable Complaint,
5 the Partial Motion for Summary Judgment and all related filings, the Report and
6 Recommendation, Plaintiff's Objections, and the Reply, and having performed a de novo
7 review of those portions to which objections were made, the court concurs with and
8 accepts the findings, conclusions, and recommendations of the Magistrate Judge.

9 Accordingly, IT IS HEREBY ORDERED:

- 10 1. The United States Magistrate Judge's Report and Recommendation,
11 [Dkt. No. 174], is accepted;
- 12 2. Defendants' Partial Motion for Summary Judgment [Dkt. No. 132] is
13 granted in part as follows:
 - 14 a. Claims I, VIII, X, XII are dismissed in their entirety without
15 prejudice;
 - 16 b. Claim III as to defendants Cerca and Mobley is dismissed without
17 prejudice;
 - 18 c. Claim V as to defendant Sanchez is dismissed without prejudice;
 - 19 d. Claim VIII as to defendants Sanchez and Campbell is dismissed
20 without prejudice; and
 - 21 e. Claim XI as to defendants Villalobos, Mathews, Coleman, and
22 Oliver is dismissed without prejudice.

23 DATED: February 26, 2021



FERNANDO L. AENLLE-ROCHA
United States District Judge